

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

This document relates to:

Track Three Cases

**DECLARATION OF STEVEN N. HERMAN IN REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO EXCLUDE CERTAIN OPINIONS AND
TESTIMONY OF DR. KATHERINE KEYES**

I, Steven N. Herman, declare and state as follows:

1. I am a Partner in the law firm of Zuckerman Spaeder LLP which represents the CVS Defendants in this matter. I submit this declaration in support of Defendants' Reply in Support of Motion to Exclude Certain Opinions and Testimony of Dr. Katherine Keyes.

2. Attached as Reply Exhibit 1 is an excerpt of the Track Two expert report of Katherine Keyes, Ph.D., dated August 3, 2020.

3. Attached as Reply Exhibit 2 is an excerpt from the Minutes of the New York Opioid Litigation (Index No. 400000/2017) *Frye* Hearing, Testimony of Dr. Keyes, dated September 10, 2020.

4. Attached as Reply Exhibit 3 is an excerpt of an article by Hawre Jalal et al., *Changing dynamics of the drug overdose epidemic in the United States from 1979 through 2016*, 361 Science 1218 (2018), <https://science.sciencemag.org/content/sci/361/6408/eaau1184.full.pdf>.

5. Attached as Reply Exhibit 4 is an excerpt of an article by Michael Zoorob, *Fentanyl shock: The changing geography of overdose in the United States*, 70 Int'l J. of Drug Policy 40–46 (2019), <https://doi.org/10.1016/j.drugpo.2019.04.010>.

6. Attached as Reply Exhibit 5 is an excerpt of an article by David Powell et al., *How Increasing Medical Access to Opioids Contributes to the Opioid Epidemic: Evidence from Medicare Part D*, 71 J. Health Econ. 102286 (2020), doi:10.1016/j.jhealeco.2019.102286.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 2021

/s/ Steven N. Herman

Steven N. Herman